

B-44



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Curtis Mulch,  
Department of Environmental  
Protection

Classification Appeal

CSC Docket No. 2015-1556

ISSUED: APR - 6 2015

(LDH)

Curtis Mulch appeals the attached decision of the Division of Classification and Personnel Management (CPM) that the proper classification of his position with the Department of Environmental Protection is Repairer<sup>1</sup>. Mulch seeks a Parks Maintenance Specialist 2 classification.

The appellant pursued the matter of his reclassification with CPM. At the time of the appellant's request for a classification audit he was serving in the non-competitive title of Maintenance Worker 1. CPM reviewed all documentation supplied by the appellant and performed a desk audit of his position. The appellant's position is located at Lake Hopatcong State Park, Division of Parks and Forestry, State Park Service, Northern Region 3. CPM found that the primary responsibilities of his position entailed performing mechanical repairs on motors, hydraulics, electrical, and fuels systems on weed harvesters, transport barges, shore conveyers, dump trucks, and trailers; performing minor welding of parts and pieces; rebuilding and replacing stainless belting and runners as needed on harvesters and transport barges; rebuilding cutter bars on harvesters and/or replacing as needed to improve the longevity of the equipment; replacing bearings on all equipment as needed; operating weed harvesters and transport barges; independently performing repairs and making judgment calls when weed harvesters or transport barges break down while in use on the lake; and maintaining a log of all completed repairs and maintenance performed, as well as tools used, and time spent on the task. However, CPM noted that the appellant did not perform any supervisory duties.

<sup>1</sup> The appellant was appointed to the non-competitive title of Repairer, effective March 22, 2014.

Based on the foregoing, CPM determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Repairer.

On appeal to the Civil Service Commission (Commission), the appellant argues that his duties and responsibilities are more consistent with the title of Parks Maintenance Specialist 2. He does not dispute CPM's finding of his primary job responsibilities but feels that those responsibilities fit into the job specification for Parks Maintenance Specialist 2. In this regard, he highlights "Examples of Work" in the Parks Maintenance Specialist 2 job specification that he believes he performs. Also, he highlights the "Knowledge and Abilities" in the Parks Maintenance Specialist 2 job specification that he believes he possesses. In support, the appellant submits an e-mail from Blanca Chevrestt, Superintendent of Swartswood State Park. Lastly, the appellant maintains that his 35 years of electrical and mechanical experience, and nine years of experience with the weed harvesting equipment surpasses the two years of minimum experience in the job specification for Parks Maintenance Specialist 2. Thus, the appellant seeks a Parks Maintenance Specialist 2 classification.

### CONCLUSION

The definition section of the job specification for Repairer states:

Under direction of a Foreman, M/W or other supervisor in a State Department, institution, or agency, assists the craftsmen and/or independently performs basic maintenance, construction, repair, or mechanical adjustment work involved in varied types of buildings, building facilities and/or building utilities, and highway and bridge construction; does other related duties as required.

The definition section of the job specification for Parks Maintenance Specialist 2 states:

Under supervision of a Superintendent, Park Maintenance Supervisor, or other supervisory official in the Division of Parks and Forestry, Department of Environmental Protection, performs semiskilled tasks for the construction, maintenance, and improvement of the physical plant, facilities, equipment, and grounds at assigned State parks, forests, recreation areas, historic sites, and marinas; does other related duties as required.

The definition section of the job specification for Maintenance Worker 1 states:

Under direction of a supervisory official in a state department, institution, or agency, improves and maintains the physical condition of state property primarily by performing routine manual work; does other related duties as required.

Initially, the Commission does not agree with CPM's determination that the title of Repairer is the most appropriate title for the appellant's position. Although the Commission acknowledges that none of the three titles are completely descriptive of the appellant's duties, for the reasons explained below, the title of Parks Maintenance Specialist 2 is the most appropriate. However, job specifications are not intended to be all inclusive or restrictive since job specifications are intended to be utilized throughout State and local service. Job descriptions are not prepared with the intent to classify a singular position. If that were the case, the agency would have to prepare a job description for approximately 200,000 State and local employees. Thus, the fact that a job description includes tasks not performed by an employee or the fact that the employee performs tasks not specifically listed in a job description is not, in itself, evidence of position misclassification. Legislative direction and agency policy militate against the establishment of new titles, especially when an existing title can be correctly utilized. *See In the Matter of Charles Phillips* (Commissioner of Personnel, decided January 20, 1993).

Moreover, for purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job specification provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). A review of the definition section of the job specification for Repairer reveals that it is not the appropriate classification. As the definition section clearly indicates, an individual in that title assists the craftsman and/or independently performs basic maintenance, construction, repair, or mechanical adjustment work involved in varied types of buildings, building facilities and/or building utilities, and highway and bridge construction. However, a review of the appellant's duties does not reveal he performs any of the above noted duties as he does not perform any basic maintenance related to the upkeep of buildings, building facilities and/or building utilities and highway and bridge construction. Rather, the appellant performs basic maintenance and repairs related to operating equipment for the maintenance and improvement of the physical facilities, equipment and grounds at Lake Hopatcong State Park. Specifically, the appellant performs maintenance and

repairs to weed harvesters and barges. He exercises independent judgment and experience based knowledge to find the source of a mechanical malfunction. Also, the appellant performs maintenance and improvement of the physical facilities and grounds at Lake Hopatcong State Park. Thus, the title of Park Maintenance Specialist 2 is a more appropriate classification.

### **ORDER**

Therefore, it is ordered this appeal be granted and the proper classification of Curtis Mulch's position is Parks Maintenance Specialist 2, effective January 16, 2014. Since that title is in the competitive division, his appointment shall be considered provisional, pending promotional examination procedures.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

**DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
ON THE 1<sup>st</sup> DAY OF APRIL 2015**

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Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

#### **Attachment**

c:     Curtis Mulch  
       Deni Gaskill  
       Kenneth Connolly  
       Joseph Gambino



CHRIS CHRISTIE  
Governor  
KIM GUADAGNO  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Division of Classification and Personnel Management  
P. O. Box 313  
Trenton, New Jersey 08625-0313

ROBERT M. CZECH  
Chair/Chief Executive Officer

November 7, 2014

Mr. Curtis Mulch  
[REDACTED]  
[REDACTED]

Re: Classification Appeal  
Maintenance Worker 1  
Position #091713  
CPM #03140024  
Employee ID #000700193

Dear Mr. Mulch:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire you completed, which was reviewed and signed by E. Mark Texel, Manager 1, Environmental Protection and a desk audit that was conducted October 14, 2014.

**Issue:**

You are appealing the current classification of your position (091713), Maintenance Worker 1 (43033, O10). You contend that the title Parks Maintenance Specialist 2 (43040, O14) more accurately classifies the current duties and responsibilities assigned to your position.

**Organization:**

As of September 22, 2014, your position is located in Natural and Historic Resources, Division of Parks and Forestry, State Park Service, Northern Region 3. Your position reports to Hopatcong State Park for a majority of the year. Nine miles in length and covered by 2,500 acres of freshwater, Lake Hopatcong is the focal point of the park. The focus of your unit is the operation, maintenance, and repair of transport barges and weed harvesters that remove the nuisance aquatic plants that inhibit recreational enjoyment.

At the time you submitted your appeal, you reported to Emily Rich, Superintendent Parks and Forestry 4 (S24). As of May 2014, you report to Daniel Bello, Environmental Specialist 4 (S28), and you have no direct supervisory responsibility.

**Finding of Fact:**

The primary responsibilities of the position include, but are not limited to, the following:

- Performs mechanical repairs on motors, hydraulics, electrical, and fuels systems on weed harvesters, transport barges, shore conveyers, dump trucks, and trailers.
- Performs minor welding of parts and pieces.
- Rebuilds and replaces stainless belting and runners as needed on harvesters and transport barges.
- Rebuild cutter bars on harvesters and/or replace as needed to improve the longevity of the equipment.
- Replace bearings on all equipment as needed.
- Operates weed harvesters, transport barge, and transporter.
- Independently performs repairs and makes judgment calls when weed harvesters or transport barges break down while in use on the lake.
- Maintains a log of all completed repairs and maintenance performed, as well as tools used, and time spent on the task.

**Review and Analysis:**

The duties and responsibilities of the position were compared to those described within the class specification for Maintenance Worker 1, Parks Maintenance Specialist 2, and Repairer.

The definition section of the specification for the title, Maintenance Worker 1 (43033, O10), states:

“Under direction of a supervisory official in a state department, , or agency, improves and maintains the physical condition of state property primarily by performing routine manual work; does other related duties as required.”

Incumbents in the Maintenance Worker 1 title may assist with and make the simpler repairs to plumbing, electrical wiring, fences, fireplaces, roofs, tables, benches, and other property. The Maintenance Worker 1 cuts wood and grass, clears trails, cleans campsites, picnic grounds, trails, and benches, and disposes of trash.

The definition section of the specification for the title, Parks Maintenance Specialist 2 (43040, O14), states:

"Under supervision of a Superintendent, Park Maintenance Supervisor, or other supervisory official in the Division of Parks and Forestry, Department of Environmental Protection, performs semiskilled tasks for the construction, maintenance, and improvement of the physical plant, facilities, equipment, and grounds at assigned State parks, forests, recreation areas, historic sites, and marinas; does other related duties as required."

Incumbents in the Parks Maintenance Specialist 2 title perform duties related to the repair and maintenance of rooftops, walls, ceilings, interior and exterior brickwork, tile floors, drains, cement and concrete floors, sidewalks, steps, foundations, and other types of masonry, plastering and stonework. The Parks Maintenance Specialist 2 performs tasks related to the painting of wood, metal, brick, and cement walls, floors, and ceilings of the interior and exterior of structures and facilities.

Incumbents in both the Maintenance Worker series and the Parks Maintenance Specialist series perform maintenance duties such as cutting grass and wood, trimming trees and shrubbery, disposing of trash, painting buildings, bricks, and metal, and other housekeeping and janitorial duties. Workers in these series perform basic repairs to walls, ceilings, roofs, plumbing, and other related repairs.

Your position does not perform basic maintenance related to the upkeep of buildings and grounds. Your position does not clean campsites and picnic grounds; perform masonry work; operate bulldozers and front-end loaders; repair and renovate buildings; or perform carpentry and plumbing tasks. Therefore, both the Maintenance Worker series and the Parks Maintenance Worker series are an inappropriate classification for the functions of this position.

The definition section of the specification for the title, Repairer (O11, 41242), states:

"Under direction of a Foreman, M/W or other supervisor in a State Department, institution, or agency, assists the craftsmen and/or independently performs basic maintenance, construction, repair, or mechanical adjustment work involved in varied types of buildings, building facilities and/or building utilities, and highway and bridge construction; does other related duties as required."

A Repairer works independently or as a member of a group in the installation, inspection, repair, and maintenance of cables, wiring, motors, generators, pumps, and other types of electrical equipment. Incumbents in this title keep records of work done, material used, and time spent.

Your position serves mainly as a weed harvester/transport barge operator and repairer. In this capacity, you perform maintenance and repairs on all equipment and machines necessary to harvest weeds from Lake Hopatcong and surrounding areas. Your position

Name: Curtis Mulch  
Date: November 7, 2014

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uses independent judgment and experience based knowledge to find the source of a mechanical malfunction. Your position assigns and reviews duties as needed related to maintenance and repairs on equipment and machinery.

Your duties fall within the scope of a Repairer.

**Determination:**

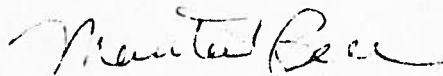
By copy of this letter, the Appointing Authority is advised that we will reclassify this position to Repairer (O11, 41242), effective March 22, 2014, unless they assign duties and responsibilities that are commensurate with this position's current title, Maintenance Worker 1 (43033, O10), within thirty (30) days of receipt of this letter.

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell  
Human Resource Consultant 5  
Classification and Personnel Management

MTB/rdd  
C: Robin Liebiskind  
Joseph Siracusa  
CPM #03140024